

REMARKS

In the Office Action, the Examiner rejected claims 1-33 under 35 USC § 102(a) as being anticipated. This rejection is fully traversed below.

Claims 1-33 remain pending in the application. Reconsideration of the application is respectfully requested based upon the following remarks.

REJECTION OF CLAIMS 1-33 UNDER 35 USC § 102(a)

In the Office Action, the Examiner rejected claims 1-33 under 35 USC § 102(a) as being anticipated by *Harari et al.*, US Patent No. 6,532,172. This rejection is fully traversed below.

Initially, it should be noted that *Harari et al.* granted as a patent on March 11, 2003. Hence, since the filing date of the above-identified application is February 28, 2002, *Harari et al.* is not prior art to the above-identified application under 35 USC § 102(a). Nor would an earlier corresponding published U.S. Patent Application No. 2002/0181266 A1, which published on December 5, 2002, be considered prior art under 35 USC § 102(a). For such reasons, it is submitted that the Examiner has not made out a *prima facie* rejection.

At best, *Harari et al.* may be considered prior art under 35 USC § 102(e). In such case, *Harari et al.* would be considered as prior art under 35 USC § 102(e) as of its filing date of May 31, 2001. Even so, in rejecting claim 1, the Examiner makes reference to col. 7, lines 26+ of *Harari et al.* for teaching the claim limitation of claim 1 which states "wherein two out of a total of six of said source devices and said drain devices in three adjacent dual cell memory units along a particular one of said word lines are able to be programmed or read simultaneously." However, at col. 7, lines 33-38 of *Harari et al.*, it is stated: "This allows the spacing of storage elements (floating gates) along a selected row that may be simultaneously programmed to be one in eight (one cell in four), or as dense as one floating gate in four, depending upon how the other array elements are driven in the particular programming method being used." Hence, the teachings or suggestions of *Harari et al.* at best indicate one in eight floating gates or two in eight (i.e., one in four) floating gates. As previously noted, claim 1 specifically recites use of two out of a total of six devices being able to be programmed or read simultaneously.

Additionally, *Harari et al.* goes on to state:

One such method that allows one in three floating gates to be simultaneously programmed, with N then equaling three, is described in a patent application entitled "Dual Cell Reading and Writing Technique," filed concurrently herewith,

naming Raul-Adrian Cernea as inventor, and assigned Ser. No. 09/871,322. This application is incorporated herein in its entirety by this reference.

However, such language on its face clearly pertains to Ser. No. 09/871,322 which is the product of Raul Adrian Cernea, the same inventor as for the above-identified application. Consequently, the statement in the above-identified application that is derived from Mr. Cernea and his Patent Application 09/871,322. Therefore, the statement is the product of the same inventor and not prior art with respect to the above-identified patent application under 35 USC § 102(e).

Based on the foregoing, it is submitted that claim 1 the rejection of claim 1 under 35 USC § 102(a) should be withdrawn. The Examiner also rejected the other independent claims 8, 12, 20, 24 and 30 using similar rationale. However, as noted above, the rationale is inappropriate. Accordingly, for at least reasons similar to those noted above, the rejection of claims 8, 12, 20, 24 and 30 should also be withdrawn. In addition, the rejection of dependent claims 2-7, 9-11, 13-19, 21-23, 25-29 and 31-33 should likewise be withdrawn.

SUMMARY

It is submitted that the rejection of claims 1-33 under 35 USC § 102(a) be withdrawn. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. SDK1P008).

Respectfully submitted,
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